

SENATE BILL 2683

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, Part 1; Title 56, Chapter 7 and Title 56, Chapter 8, relative to insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-109(e), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Upon a finding by the court that a provision of this part has been violated, the court may award to the person bringing such action reasonable attorney's fees and costs; provided, however, that if a court finds that an insurance company has violated a provision of this part through denial of a claim for coverage or payment, then the court shall award to the person bringing such action reasonable attorney's fees and costs.

SECTION 2. Tennessee Code Annotated, Section 56-7-105(a), is amended by deleting the language "including attorney fees" and deleting the language "including attorney fees thus entailed".

SECTION 3. Tennessee Code Annotated, Section 56-7-105(a), is further amended by adding the following language to the end of the subsection:

In addition to the sum awarded pursuant to this subsection (a), the holder of the policy or fidelity bond shall also be awarded reasonable attorney's fees and costs.

SECTION 4. Tennessee Code Annotated, Section 56-7-105(b), is amended by deleting the language "the court may allow to the plaintiff a reasonable attorney fee" and by substituting instead "the court shall allow to the plaintiff a reasonable attorney fee".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.